IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FIFTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 3628 of 2005

Between:

Muppala Hima Girija, W/o. Chandramouleswara Rao,
R/o. Gollagudem, Adavinekkalam Village, Agiripalli Mandal, Krishna District.

... PETITIONER

AND

1 The Collector, Krishna District, Machilipatnam.
2 The Revenue Divisional Officer, Nuzivid, Krishna District.
3 The Mandal Revenue Officerm, Agiripalli, Krishna District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of writ of MANDAMUS declaring the 3rd respondent's Notice dated 8-2-2005 issued to the Petitioner u/s. 7 of the A.P. Land Encroachment Act, 1905 as illegal and misconceived.

Counsel for the Petitioner: MR.VARDHINENI KRISHNAMOHAN

Counsel for the Respondents: GP FOR REVENUE

The Court at the stage of admission made the following:

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ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue appearing for the respondents.

Admittedly, the third respondent-Mandal Revenue Officer, issued notice under Section 7 of the A.P. Land Encroachment Act, 1905 (for short, 'the Act') calling upon the petitioner to explain as to why she should not be evicted from the land in question. The petitioner states that she has already submitted a detailed explanation on 21-02-2005 and further states that though the third respondent has not passed any final order so far under Section 6 of the Act, he has been taking steps to dispossess her from the land in question high-handedly.

Having regard to the facts and circumstances of the case, the writ petition is disposed of, making it clear that without passing a final order under Section 6 of the Act in pursuance of the show cause notice dated 08-02-2005, the petitioner shall not be dispossessed from the land in question.

The Writ Petition is accordingly disposed of. No order as to costs.

G. ROHINI, J

Dated: 25-02-2005

NOTE: Furnish order by wire at

Party's costs.

B/o.

LSK

ASSISTANT REGISTRAR

To

1 The Collector, Krishna District, Machilipatnam.
2 The Revenue Divisional Officer, Nuzivid, Krishna District.
3 The Mandal Revenue Officerm, Agiripalli, Krishna District.

4 Two C.Cs. to the G.P. for Revenue, High Court Buildings, Hyderabad. (O.U.T.)

5 Two C.D. copies.